



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

R. Sanders WILLIAMS *et al.*

Serial No.: 09/782,953

Filed: February 13, 2001

For: METHODS AND COMPOSITIONS
RELATING TO MUSCLE SELECTIVE
CALCINEURIN INTERACTING
PROTEIN (MCIP)

Group Art Unit: 1653

Examiner: Liu, Samuel W.

Atty. Dkt. No.: MYOG:036US/SLH

CERTIFICATE OF MAILING
37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P. O. Box 1450, Alexandria, VA, 22313-1450, on the date below:

August 10, 2006
Date

Steven L. Highlander

**REQUEST FOR RECONSIDERATION OF HOLDING OF ABANDONMENT
PURSUANT TO MPEP § 711.03; AND CONTINGENT PETITION UNDER
37 CFR § 1.181 TO WITHDRAW HOLDING OF ABANDONMENT OR
PETITION UNDER 37 CFR § 1.137(b) TO REVIVE UNINTENTIONALLY
ABANDONED APPLICATION**

Mail Stop Petitions

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicants are in receipt of a Notice of Abandonment in the referenced application mailed by the Patent and Trademark Office on July 7, 2006, which states that the application is

abandoned for failure to file a brief in a timely matter, therefore, the appeal was dismissed and the application was abandoned because there are no allowed claims.

Applicants contend that the application is not in fact abandoned, because an appropriate and timely response to the Advisory Action Before a Filing of an Appeal Brief mailed August 9, 2006, was filed on September 20, 2005 with an additional filing with appropriate extension of time fees on October 6, 2005. Therefore, Applicants file this Request for Reconsideration of Holding of Abandonment Pursuant to MPEP § 711.03. If the Office for any reason deems that the Request pursuant to MPEP § 711.03 cannot be granted, this paper is to be treated as a petition to the Commissioner under 37 CFR § 1.181 to withdraw the holding of abandonment and/or a petition under 37 CFR § 1.137(b) to revive unintentionally abandoned application, as the Commissioner deems appropriate.

Applicants respectfully request withdrawal of the holding of abandonment and provide the following facts in support thereof.

REMARKS

A. Applicants' Response Timely Filed

Applicants' file indicates that the Appeal Brief and Petition for Extension of Time Under 37 CFR 1.136(a) FY2005 in this case was mailed on October 6, 2005, and timely responded to by Applicants on October 6, 2005. A copy of Applicants' Appeal Brief and Petition for Extension of Time Under 37 CFR 1.136(a) FY2005, transmittal letter and itemized postcard mailed on October 6, 2005, are attached hereto as Appendix A.

Further, Applicants' representative received a return postcard date-stamped by the Office, indicating that Applicants' response to the Advisory Action Before a Filing of an Appeal Brief

mailed October 6, 2005, was received by the Office on October 11, 2005. A copy of the return postcard showing the Office's date stamp is attached hereto as Appendix B.

In view of the above, Applicants respectfully submit that an appropriate response to the Advisory Action Before a Filing of an Appeal Brief was filed in a timely manner and request that the Notice of Abandonment be withdrawn and that the application proceed to substantive examination as soon as possible.

B. Contingent Petition Under 37 CFR 1.181 or, in the Alternative, 37 CFR 1.137(b)

This paper is a request for reconsideration of the holding of abandonment pursuant to MPEP § 711.03. If the Office deems that such withdrawal of the holding of abandonment is not proper, Applicants request that alternatively, and to the extent required, this paper be treated as a petition to the Commissioner under 37 CFR § 1.181 to withdraw the holding of abandonment and/or a petition under 37 CFR § 1.137(b) to revive unintentionally abandoned application, as the Commissioner deems appropriate.

Because Applicants timely filed a response to the Advisory Action Before a Filing of an Appeal Brief dated August 9, 2005, it is believed that no fees under 37 C.F.R. §§ 1.16 to 1.21 are occasioned by the filing of this paper; however, should the Commissioner determine otherwise, the Commissioner is hereby authorized to deduct said fees, including any petition fees, from Fulbright & Jaworski Deposit Account No. 50-1212/MYOG:036US/SLH.

Please date stamp and return the enclosed postcard evidencing receipt of this paper.

Respectfully submitted,



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Date: August 10, 2006